

## **EARLY MEETING OF COUNSEL, JOINT STATUS CONFERENCE INSTRUCTIONS**

1. A COPY OF THESE INSTRUCTIONS MUST BE ATTACHED TO THE COPY OF THE COMPLAINT SERVED UPON EACH PARTY, AND THE PROOF OF SERVICE OF THE SUMMONS AND COMPLAINT MUST INDICATE THAT SUCH COPY WAS SERVED THEREWITH.
2. These instructions apply only to parties represented by counsel. If you do not have an attorney you must appear at the status conference in person.
3. This status hearing will be conducted **by telephone** at the date and time shown on the summons. The Order re Telephonic Status Conference in Adversary Proceedings served with these instructions explains the procedure for the telephonic hearing.
4. If the proceeding involves money or property exceeding \$10,000.00 or if the plaintiff believes trial time will be 4 hours or more, plaintiff must serve, with the summons and complaint, a notice that compliance with **Local Rule 7026-1** is required. Plaintiff must also file proof of service of the notice with proof of service of the summons and complaint.
5. If **Local Rule 7026-1** applies, counsel for the parties **MUST TIMELY MEET TO DISCUSS SETTLEMENT AND TO EXCHANGE DOCUMENTS, OTHER EVIDENCE, AND LISTS OF WITNESSES AND PRELIMINARY DISCOVERY SCHEDULES AS PROVIDED IN SAID RULE.**
6. Unless all defendants have defaulted, the parties shall file a Joint Status Report pursuant to **Local Rule 7016-1(a)(2)** at least 10 court days before the date of the status conference in a form substantially similar to **Local Form No. 7016-1.1**. If **Local Rule 7026-1** applies, the parties must include in the Joint Status Report a statement that they have met to discuss settlement and have exchanged documents, other evidence, lists of witnesses and preliminary discovery schedules. If the parties request dates for discovery cut-off, pre-trial or trial other than those ordered herein, this request shall be made in the Joint Status Report.
7. If no response to the complaint is timely filed, plaintiff may request entry of default by the clerk or by the court. Plaintiff may also request entry of a default judgment by filing and serving an appropriate motion, see **FRBP Rule 7055-1 and Local Rules 9013-1(g)(1)(N) and 9021-1(d)**.
8. If the parties dispute whether the adversary proceeding is "**core**" or "**non-core**", they shall file points and authorities in support of their positions. Any party that contends the proceeding is "**non-core**" shall file and serve its points and authorities at least **14 days** before the status conference. Any response must be filed and served at least 7 days before the status conference.
9. Failure to comply with these instructions will subject the responsible party to **sanctions**.
10. Failure of counsel for any party to appear at a status conference or pre-trial conference may be considered an abandonment or failure to prosecute or defend diligently and the proceeding may be dismissed or judgment entered against the defaulting party.

11. Plaintiffs demanding trial by jury in the bankruptcy court shall file a demand with its complaint. All other parties stipulating to trial by jury in the bankruptcy court should file their stipulation not later than the date of the status conference.

**HON. ERNEST M. ROBLES**  
**United States Bankruptcy Judge**

(rev. 02/28/01)

## **FOURTH AMENDED ORDER RE TELEPHONIC STATUS CONFERENCE IN ADVERSARY PROCEEDINGS**

This proceeding having been assigned to the Judge Ernest M. Robles, **IT IS HEREBY ORDERED:**

1. Unless otherwise ordered all status conferences and continued status conferences ("Conferences") in this proceeding shall be conducted by telephone. However, any party or counsel may appear in person if they wish. As set forth in paragraph 6 below, if you do not have counsel you must appear in person at the status conference.
2. Plaintiff shall serve a copy of this order on all defendants, together with the summons and complaint. The return proof of service shall indicate such service. In continued status conferences and pre-trials, plaintiff shall serve a copy of this order together with plaintiff's notice of continued hearing.
- 3. Any settlement stipulations or default judgments shall be filed with the Court at least five (5) court days before the status conference or pretrial. If the orders are not timely filed, all parties must appear.**
4. Unless otherwise ordered, all applicable Local Bankruptcy Rules remain in force. In particular, all parties and counsel are encouraged to review Local Bankruptcy Rules 7026-1 (early meeting of counsel) and 7016-1 (status conferences and pre-trial hearings), and General Order No. 95-01 ("Adoption of Mediation Program for Bankruptcy Cases and Adversary Proceedings").
5. Except in instances where either the plaintiff or defendant are not represented by counsel, conference calls shall be initiated by counsel for the plaintiff and ConferenceCallService**K** shall coordinate such conference calls. Relevant instructions are attached. ConferenceCallService**K** is not affiliated with the U.S. Courts nor has the U.S. government contracted in any way with ConferenceCallService**K**. Payment for the conference call shall be the responsibility of the parties individually, unless the parties have agreed to other arrangements.
6. In cases where either the plaintiff or defendant are not represented by counsel the parties shall appear in person.

Dated: February 28, 2001

**Ernest M. Robles**  
**United States Bankruptcy Judge**

## INSTRUCTIONS FOR TELEPHONIC STATUS CONFERENCES

### 1. Telephone Procedures To Be Followed

Telephone appearances for status conference will be arranged through ConferenceCallService™. ConferenceCallService is an independent conference call company that arranges conference calls on a national and international basis for business.

Participants will be contacted at the telephone number set forth at the top of the pleading with the participant's identification. All participants shown on the court's calendar seven (7) days prior to the status conference will be contacted by ConferenceCallService at least two (2) days prior to the status conference to confirm participation in the conference and payment arrangements.

Attorneys who are unavailable when called by ConferenceCallService **MUST** return the call within 24 hours. The decision whether or not to appear by telephone **MUST** be made at this time and, if non-responsive, you will not be added to the call at the last minute. Do not argue with ConferenceCallService or request special treatment. ConferenceCallService's function is no more than to offer you the opportunity to appear by telephone. Your election to appear by telephone constitutes your agreement for telephonic appearances.

The cost of appearing telephonically is a flat fee of \$49.95. ConferenceCallService will arrange payment by the participant either through the use of a major credit card or, in the case of attorneys, may offer to bill for its service. If ConferenceCallService agrees to bill its services, all bills **MUST** be paid net 20 days from invoice.

If you have not been contacted by the second day prior to the status conference, participants may contact ConferenceCallService at 1-888-5APPEAR (527-7327) to review procedures, confirm dates and times, etc. Participants must reference this court, the date of the scheduled call, and the case name and number when calling ConferenceCallService.

At the time of the scheduled telephonic status conference, ConferenceCallService will contact the participants as prearranged. ConferenceCallService may initiate calls to some participants on a delayed basis to minimize waiting time. **All participants MUST be available when called.** If the participant is not available when called, you will be billed for the call and the status conference will proceed in the participant's absence. The court may impose sanctions as set forth below.

At the time of the status conference, you will initially be in the listening mode and able to hear the case before yours just as if you were in the courtroom. After your call is connected to the courtroom, the Courtroom Deputy will call the case. The Judge will ask for appearances and direct the manner in which the status conference proceeds. Each time a participant speaks, he or she must identify himself or herself for the record. When the Judge informs the participants that the hearing is completed, the participants may disconnect and the next case will be called.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure a quality record, the use of car phones, public telephone booths, or phones in other public places is **prohibited** except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo. The system also allows more than one speaker to be heard so that the Judge can interrupt a speaker to ask a question or redirect the discussion.

### 2. Sanctions

Telephonic appearances by multiple participants are **only** possible where there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation. Sanctions may include dropping the matter from the calendar, continuing the hearing, proceeding in the absence of an unavailable participant, or monetary sanction of **\$100** or more. Where ConferenceCallService agrees to bill for its services and the billings are not timely paid, attorneys should accept a sanction of **\$250** to be imposed.